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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUBRY PATTERSON,

Defendant.

MOTION TO DISMISS

Case No: 2:08-CR-187 DB

Defendant, Aubry Patterson, by and through his attorney, L. Clark Donaldson, submits this Motion to Dismiss, and respectfully requests that this Court dismiss Counts 1, 2, 4 and 5 of the Superseding Indictment against Mr. Patterson. These counts are multiplicitous of the remaining counts, and should be dismissed. This Motion is more fully supported by the accompanying Memorandum in Support.

DATED this 15th day of January, 2010.

/s/ L. Clark Donaldson

L. CLARK DONALDSON
Assistant Utah Federal Defender

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing **MOTION TO DISMISS** was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following on this 15th day of January, 2010.

Carlie Christensen
Richard McKelvie
Assistant United States Attorney
185 South State Street, Suite 400
Salt Lake City, Utah 84111

/s/ G. Wynhof
Utah Federal Defender Office